

EXCERPTS FROM TESTIMONY BY GENERAL DWIGHT D. EISENHOWER IN RESPONSE TO QUESTIONS BY REP. FRED E. BUSBY, (R., ILL.), AT HEARINGS OF THE HOUSE COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS ON THE NATIONAL SECURITY ACT OF 1947.

BUSBY: Do you not think it would be better to have a permanent civilian head of the Central Intelligence Group rather than to be confronted with the condition we now see? General Vandenberg held the position for a short time. He has now been replaced by Admiral Hillenkoetter, who may also be relieved after a while and assigned to other duty. Do you not think it would be better to have a permanent civilian Director?

EISENHOWER: I agree that frequent change is wrong, and if we continue under the present method, I should certainly say that when we put a man in there we should put him in for three years unless there is an emergency or some necessity for a change. It has been considered that there were advantages in having a military man for the job. There are factors and arguments on both sides.

BUSBY: I understand that the functions of the CIG are entirely outside the confines of the United States and that the FBI takes up the job domestically. Now, is it true that most of the officers of the CIG are closed on Saturdays and Sundays. Should anything as important to the State, War and Navy Departments be on a forty-hour week?

EISENHOWER: It is natural that the civilian employees of CIG should be on a forty-hour week, as are civilian employees of other Government Departments and agencies. I don't know whether there are hours when CIG is completely closed or not.

JENKINS: You believe that the functions of the Agency should be more accurately defined in the legislation instead of being left in an Executive Order which might be changed over night. A good many of us agree with that point of view. You also agree that there should be a civilian head of Central Intelligence rather than a military man?

EDSON: Definitely.

McCORMACK: You speak of the CIA as a potential Gestapo and say that the Agency's powers and functions should be carefully delineated in the law. Do you not recognize that the CIA might have a lot of duties to perform in connection with national security that could only be properly covered by a broad delineation of powers as distinguished from a detailed one?

EDSON: That is true; but you can certainly can prescribe its powers. In acting as a clearing agency, it should have broad powers. But in the field of police powers, I think it should be definitely limited.

JENKINS: That is getting into the functions of the Secret Service and the FBI. Do you think that the CIG might take over the FBI?

EDSON: You cannot tell from this legislation.

McCORMACK: It has no power to do that.

EDSON: Unless Congress sets forth its intent, it leaves them a pretty broad field in which they can operate. I am not objecting to the Central Intelligence Agency. I think it is an excellent thing, but I do think that its powers should be specifically defined.

McCORMACK: In obtaining intelligence and counter-intelligence, we ought to have a lot of that. I would assume that those who are in charge are doing what they ought to do for the country. I would not want to know all about it. Unless the CIA is specifically given the authority by act of Congress, they have no police activities except insofar as the national security is concerned. I should think that would dissipate a lot of your fears.

12 June 1947

MEMORANDUM FOR THE RECORD

At this morning's hearings before the House Committee on Executive Expenditures, the witness was John P. Bracken, President of the Reserve Officers of the Naval Services. He was asked by Rep. Clarence J. Brown, (R., O.), if RONS had given any thought to the CIG provisions of the bill. Bracken replied that it had not, but that it approved the establishment of the Central Intelligence Agency; that it felt that in setting up the CIA, the Munitions Boards, etc., Congress would really be providing for unification.

Brown then asked whether he did not think that there was danger of military control under the bill as written. Bracken pointed out that the bill provided that either a civilian or a military man could be appointed as Director of Central Intelligence. He added, "The Central Intelligence Agency could very well be headed by a civilian."

Brown then asked whether he thought it was wise to refer in the bill to the Executive Order establishing the CIG, or whether it was not up to Congress to say what the jurisdiction and functions of the CIA should be. Bracken replied that the matter of jurisdiction and functions of an agency was, of course, up to Congress. Brown repeated the point he has made before that an Executive Order may be changed at any time by the President, and that he could alter the functions of the Central Intelligence Agency at will.

Returning to the question of the military, Brown brought up the question of the National Security Council, under which CIA is to operate. Bracken pointed out that the Council would be composed of civilians, and that the President himself would preside at its meetings. He repeated that the Director of Central Intelligence need not be a military man, but might be a civilian.

Representative Forest A. Harness, (R., Ind.), inquired that, if Representative Brown entertained fears of a Gestapo, what difference it made whether the Director of Central Intelligence was a military man or a civilian, if they both had the same authority. Brown replied that he thought a uniform sometimes gives a man a little more feeling of power and authority. He added that he wanted "to write a lot of safeguards into this section that deals with the Central Intelligence Agency. I want to make certain that the activities and functions of the Central Intelligence Agency are carefully confined to international matters and to military matters and national security. We have enough people now running around the country looking into other people's business." At this point Rep. Dorn, (D., S.C.) interjected that the ones for Brown to look into were "the F.B.I. and Tom Clark!" Brown persisted, saying that he thought that Congress should decide whether the Director of Central Intelligence should be a military man or a civilian, and that he wanted CIA limited to authority necessary to protect the country, without additional extraordinary powers.

Bracken conceded that "I think I would rather have a civilian as head of the Central Intelligence Agency. We have consistently kept civilians as Secretary of War and Secretary of the Navy."

Rep. Dorn declared that "This Agency is primarily concerned with military and foreign matters and stuff like that." He asked whether Brown had heard the testimony of General Vandenberg. Brown replied that he had not heard him, but that he had read his statement — also that he had heard some criticism of General Vandenberg. Dorn pointed out that Vandenberg is no longer Director of CIG, to which Brown replied that he knew that, also that Vandenberg had been replaced "by another military man."

Brown said that he would like to get a final comment from the witness on the subject. Bracken said that he thought the principal point made in connection with a military Director of Central Intelligence was that he would serve a tour of duty, perhaps a short one, and then be replaced. He added, "I think that if the Central Intelligence Agency is to amount to anything at all, it should have greater continuity." He agreed, at Brown's request, to give the subject of the Central Intelligence Agency further thought and to include comments on the CIA with the suggestions which RONS is to present concerning the bill as a whole.

Mr. Pforzheimer talked with Representative Brown afterwards. The latter stated that we could be sure that some further safeguards would be written into the bill, with a delineation of functions. The usual argument was thrown up regarding the impermanence of a military Director and the possibility that future Secretaries of the Navy could relieve the Admiral. In addition, the question was raised regarding the weakness of an Executive Order and the undersigned assured Mr. Brown that we would wish to place our bill in the hopper after the bill on unification had passed. Brown stated, however, that there was no guarantee that this would be done, that we might conveniently "forget" to do so.

I talked with Mr. Bracken and asked him whether he would like to talk with the Director prior to submitting the comments of RONS on CIG. He stated that he would very much like to do so, but that he is leaving for two weeks' active duty, and requested that the appointment be made with his assistant, Mr. Minor Hudson, (RE 8161,) preferably on the afternoon of 13 June. He stated that he also wished to discuss it with Admiral Sidney Souers, a member of their Board.

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The thought that the Central Intelligence Agency should be placed under the Secretary of National Defense is unsound, as it might be construed as placing the Agency within the military establishment, which would in all probability be unsatisfactory to the State Department. This Agency must serve the diplomatic as well as the military and naval arms. This can best be done outside the military establishment. Since it is obliged to serve all, it must be free of the natural bias of an operating Department.

3. Inclusion of Detailed Agency Functions in the Present Bill: It is not felt advisable, as a matter of legislative draftsmanship, to include detailed functions of the Central Intelligence Agency in H.R. 2319. H.R. 2319 is a broad outline of the functions of the security establishment of the Government. The inclusion of the detailed roles and missions of this Agency does not seem properly to be a part of such legislation. It is quite necessary that this Agency have detailed legislation of its own, setting forth its functions, as well as those general authorities which it is felt the Agency should have. These are being included in the draft of an enabling act to be submitted for Congressional approval after the passage of the unification bill.

The fears that the terms of the Executive Order under which the Agency now operates could be changed or broadened by its withdrawal or amendment by the President after the bill becomes law appear to be unfounded. The present bill specifically provides that the functions of the Director and the C.I.G., as set forth in the President's Executive Order of 22 January 1946, (11 Federal Register 1337), are transferred to the new Agency, and therefore are frozen into H.R. 2319, with no possibility of Executive change. No further changes in these functions could be made except by the National Security Council once the bill becomes law. As stated above, the detailed legislation for this Agency, which is urgently needed, should be the subject of a separate enabling act, which will be submitted as soon as the Agency is established by law.

4. Position of the Agency in Connection with Internal Security: The Central Intelligence Agency is limited in its scope to dealing with the foreign intelligence activities of the United States. It should not be and is not concerned in any way with domestic intelligence or internal security functions. Its interest is in intelligence information originating outside the United States. However, if the Congressional Committee feels that additional safeguards are needed, Section 202 of H.R. 2319 might well be amended by the addition of a Section "d", to read substantially in the language of the President's Executive Order, as follows: "No police, law enforcement or internal security functions shall be exercised by the Central Intelligence Agency." Such a provision will be included in any enabling legislation which this Agency shall submit to the Congress.

13 June 1947.

SUGGESTIONS IN CONNECTION WITH THE CENTRAL INTELLIGENCE
AGENCY SECTION OF THE ARMED SERVICES UNIFICATION BILL

1. Civilian versus Military Director: It would seem preferable to state that the Director should be chosen "from civilian or military life by the President, with the advice and consent of the Senate," thus leaving it to the President to determine whether he wishes to appoint a civilian or a military Director. The primary problem in this connection is concerned with the continuity of the Director's tenure rather than the branch from which the incumbent comes. The present Director has indicated a desire to remain in this position for the duration of his Naval career. However, it would work a definite hardship on a military man if it were necessary for him to retire from the service in assuming this position unless the statute called for a specific term of years for the Director's tenure. Failure to establish such tenure would place the Director at the mercy of those who might desire to oust him for purely political reasons.

On the other hand, the question of tenure of office may well have been omitted from the proposed legislation in order that the President might have a free hand in nominating a Director of his own choosing, as he does in the case of other executive positions in the Government. In the early formative stages of the development of this Agency, it may well be considered preferable to have a military Director who is conversant with the problems and personnel of the armed services, on whom so much reliance must be placed for intelligence information and cooperation.

2. The Position of CIA in the Governmental Structure: It would appear best to maintain the Central Intelligence Agency in the position that the bill contemplates it will occupy — that is, under the National Security Council. On purely theoretical grounds, it would, of course, be preferable to report to one individual rather than to a group. However, as a matter of practical operations, it would seem to be best to place it under the Council, so that the Secretaries of State, National Defense, War, Air, and the Navy — who will be among the prime users of the intelligence produced — would not have the feeling that the Director is continually skirting them into the back door of the White House. It is felt that working with the Council in the manner contemplated will produce the best cooperation from the Departments concerned.